

1 Jonathan O. Peña, Esq.  
2 CA Bar ID No.: 278044  
3 Peña & Bromberg, PLC  
4 2440 Tulare St., Ste. 320  
5 Fresno, CA 93721  
6 Telephone: 559-439-9700  
Facsimile: 559-439-9723  
Email: info@jonathanpena.com  
Attorney for Plaintiff, Sandra Avila

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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
FRESNO DIVISION

10 Sandra Avila,

Case No. 1:20-cv-01710-EPG

11 Plaintiff,

12 v.  
13

**STIPULATION FOR THE AWARD AND**  
**PAYMENT OF ATTORNEY FEES AND**  
**EXPENSES PURSUANT TO THE EQUAL**  
**ACCESS TO JUSTICE ACT; ORDER**

14 Kilolo Kijakazi, Acting Commissioner of  
Social Security,

15 Defendant.

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
17 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount  
18 of EIGHT HUNDRED THIRTY-ONE DOLLARS AND 12/100 (\$831.12) under the Equal Access to  
19 Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services  
20 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28  
21 U.S.C. § 2412(d).

22 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
23 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,  
598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on  
25 whether the fees are subject to any offset allowed under the United States Department of the  
26 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine  
27 whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
3 and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any  
4 payments made shall be delivered to Plaintiff's counsel, Jonathan O. Peña.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
6 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
8 and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA  
9 attorney fees in connection with this action.

10 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social  
11 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the  
12 EAJA.

13 Respectfully submitted,

14  
15 Dated: August 12, 2021

/s/ Jonathan O. Peña  
16 JONATHAN O. PEÑA  
Attorney for Plaintiff

17  
18 Dated: August 12, 2021

19 PHILLIP A. TALBERT  
20 Acting United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration

21 By: \* Marcelo N. Illarmo  
22 Marcelo N. Illarmo  
23 Special Assistant U.S. Attorney  
24 Attorneys for Defendant  
(\*Permission to use electronic signature  
obtained via email on August 12, 2021)

1 **ORDER**  
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3 Based upon the parties' Stipulation for the Award and Payment of Attorney Fees and Expenses  
4 Pursuant to the Equal Access to Justice Act (ECF No. 16), IT IS ORDERED that fees and expenses in  
5 the amount of \$831.12 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the  
6 Stipulation.

7 IT IS SO ORDERED.  
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Dated: August 13, 2021

*/s/ Eric P. Groj*

9 UNITED STATES MAGISTRATE JUDGE  
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